

REMARKS

Examination of the present application is to be based on claims 1-15, for a total of fifteen claims, six of which are independent. A petition for one additional independent claim is enclosed with the present response.

The office action of December 2, 2004 and the art relied on by the Examiner have been carefully examined.

I. Amendments to the claims

The Applicant has amended claims 1, 5 and 6 for clarity purposes only. The Applicant has also added new claim 15. Support for the amended claims can be found in Figures 3 to 8 and related portions of the specification and in the specification. No new matter has been added.

II. Claim Rejections – 35 USC §112

In the Action, the Examiner rejects previously pending claims 1-10 under 35 USC 112, second paragraph, for including the recitation "valving means".

Applicant has amended claims 1, 5 and 6, to replace the wording "valving means" with the wording "valve".

Since the recitations, which form the basis of the rejection, have been cancelled, Applicant submits that the Examiner's rejection has been rendered moot.

II. Claims rejections - 35 USC § 102

1.

In sections 2 and 3 of the Action, the Examiner rejects claims 1, 4-7, and 11-14 under 35 USC §102 as anticipated by US Pat. No.5,351,710 to Philips. Applicant respectfully disagrees, for the reasons that follow.

2.

Independent claims 1 and 11-14 recite "...a] valve...adapted to selectively draw air from the atmosphere into said interior ... then release air from said interior to the atmosphere ...releasing air from said interior out of said valve..." Emphasis added

In the Action, the Examiner identifies a "valve (16, 42)" in Philips and states that, in Philips, "[t]he valve unit performs the function as claimed inasmuch as it has all the structure as claimed and also has pump, which facilitates inflating bladder" (see Action page 3 section 3 lines 5-7). The Applicant disagrees.

In Philips, the "fluid intake valve 42" is comprised in an "inflation mechanism 14" (see Philips column 4 lines 58-64), and the "release mechanism 16" is separated from the "inflation mechanism 14" (see Philips column 4 lines 1-8, Figure 1 and column 7 lines 48-52). Accordingly, in Philips, the "fluid intake valve 42" and the "release mechanism 16" are included in two separated mechanisms, the first one performing air inflation and the second one performing air release (see Philips from column 6 line 62 to column 7 line 57). In other words, in Philips, a valve draws air into the bladder and a different mechanism releases air from the bladder.

Therefore, Philips does not disclose "...a] valve ... adapted to selectively draw air ... then release air...releasing air from said interior out of said valve..." Emphasis added.

Should the Examiner disagree with the Applicant, the Examiner is respectfully invited to show where, in Philips, the above mentioned feature is disclosed.

3.

Independent claims 1 and 11-14 also recite "...said valve being adapted to ... release air from said interior to the atmosphere when said bladder is squeezed releasing air from said interior out of said valve..." Emphasis added.

In Philips, release of air occurs through action applied on the "release mechanism 16", not on the "bladder 12". Figure 1 of Philips clearly shows that the release mechanism 16 is distinct and separate from the "bladder 12". Further, Figures 10-14 of Philips clearly show that air is released by action on the release mechanism and not "*when said bladder is squeezed*" as claimed in claims 1 and 12-14.

Should the Examiner disagree with the Applicant, the Examiner is respectfully invited to show where, in Philips, the above mentioned feature is disclosed.

4.

Therefore, the Applicant submits that claims 1 and 11-14 are novel over Philips, together with claims 4-7, at least by virtue of their dependence on claim 1.

III. Claims rejections - 35 USC §103

5.

In sections 4-5 of the Action, the Examiner further rejects claims 2-3 under 35 USC § 103(a) as unpatentable over Philips in view of U.S. Patent No. 4,251,932 to Love. Applicant respectfully disagrees.

Without entering into the merits of the Love cited art, the Applicant notes that claims 2 and 3 depend on claim 1, thus implicitly comprising all features of claim 1. In the 35 USC § 103 rejection, the Examiner has assumed that the features of claim 1 were all anticipated by Philips. However, as shown above, Philips does not anticipate claim 1. It follows that the Examiner has not made a *prima facie* 35 USC § 103 rejection against claims 2 and 3.

6.

Therefore, the Applicant submits that claims 2 and 3 are patentable over Philips and Love.

IV. New Claim

7.

New claim 15 recites: "... *in the intake operating mode, the valve selectively draws air from atmosphere into said bladder interior portion ... and in the release operating mode, the valve releases air from said bladder interior portion to the atmosphere...*" Emphasis added.

New claim 15 also recites: " ... *in the release operating mode, the valve releases air from said bladder interior portion to the atmosphere ... upon application of a pressure to the bladder exterior portion*" Emphasis added

Accordingly, we submit that new claim 15 is patentable over the cited prior art at least for the same reasons reported above.

Should the Examiner disagree, the Examiner is respectfully invited to show where in the cited art the above features are disclosed taught or suggested.

V. Allowable Subject Matter

8.

In Section 6 of the Action, the Examiner indicates that claims 8-10 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

The Applicant thanks the Examiner for the indication of allowability of claims 8-10 and agrees with the Examiner that claims 8-10 are allowable. However, the Applicant also believes that claim 1, on which claims 8-10 depend, is allowable, as already shown above. Therefore, the Applicant respectfully submits that claims 8-10 do not need to be rewritten.

* * *

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should matters remain which the Examiner believes could be resolved in a further telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or

Q4-04-05 02:27pm From-Greenberg
Serial No. 10/712,201

+3105867940

T-271 P.012/012 F-881

PATENT
Docket No. 53221-030000

credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket Number is referred to when charging any payments or credits for this case.

Respectfully submitted,

Date: April 4, 2005


Enrica Bruno
Reg. No. 56,149

Customer Number 33717
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7770
Fax: (310) 586-0271
E-mail: bermanc@gtlaw.com

LA-FS1\331310v01\W3HX01_.DOC\53221